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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,208	04/14/2004	Qenton L. Gilbert	C02-0005-001	6064

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CINGULAR WIRELESS LLC  
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EXAMINER

HASHEM, LISA

ART UNIT PAPER NUMBER

2614

DATE MAILED: 07/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/824,208

Applicant(s)

GILBERT, QUENTON L.

Examiner

Lisa Hashem

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 and 11-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 20 is objected to because of the following informalities: Claim 20 states ‘...the method of Claim 12...’. Claim 20 should be ‘...the system of Claim 12...’. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 20 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, ‘...the network element disconnects the calling party after receiving the voice message provided by the calling party...’ which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

On page 19, section 40 of the instant application the following is disclosed: ‘...after receiving this information, the communication between the SN 160 and the calling party is terminated at stage 250...’. There is no mention of the network element disconnecting the calling party, there is only mention of the communication being terminated between the SN and the calling party. Also, in Figure 2, element 250 only shows the call being terminated but not how the call is terminated. Appropriate action is required.

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4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 11 recites the limitation " the plurality of alternate destinations ". There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-9 and 12-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,085,231 by Agraharam et al, hereinafter Agraharam ('231) in view of U.S. Patent No. 6,483,899 by Agraharam et al, hereinafter Agraharam et al ('899).

Regarding claim 1, Agraharam ('231) discloses a method of routing a text message to a second destination associated with a called party where a first destination is unavailable (see Abstract) comprising the steps of:

receiving a call to the first destination (Fig. 1, 104) associated with a called party initiated by a calling party (Fig. 1, 101), wherein the first destination is unavailable;

based on the unavailability of the first destination, requesting a voice message from the calling party;

receiving the voice message provided by the calling party (col. 2, lines 32-42);

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converting the voice message into a text message based on determining an appropriate text format required by the second destination (Fig. 1, 116; col. 1, lines 28-31; col. 1, lines 44-48); and

forwarding the text message to the second destination associated with the called party, wherein the second destination can be a communications device (col. 2, line 43 – col. 3, line 44).

Agraharam ('231) clearly discloses routing a text message to a second destination. However, Agraharam ('231) does not disclose the second destination can be any one of a plurality of communications devices.

Agraharam et al ('899) discloses a method of routing a text message to a second destination (Fig. 1, 130) associated with a called party where a called party is unavailable (see Abstract; col. 1, line 53 – col. 2, line 9) comprising the steps of:  
receiving a call associated with a called party initiated by a calling party (Fig. 1, 100), wherein the called party is unavailable;  
based on the unavailability, requesting a voice message from the calling party;  
receiving the voice message provided by the calling party;  
converting the voice message into a text message based on determining an appropriate text format required by the second destination; and  
forwarding the text message to the second destination associated with the called party (col. 2, lines 43-45), wherein the second destination can be any one of a plurality of communications devices (e.g. personal computer or facsimile machine) (col. 5, line 57 – col. 6, line 34).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the method of Agraharam ('231) to include the second destination can be

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any one of a plurality of communications devices as taught by Agraharam et al ('899). One of ordinary skill in the art would have been lead to make such a modification to permit a calling party to transmit a message to a device that the called party routinely when the called party is unavailable to take a call.

Regarding claim 2, the method of Claim 1, wherein Agraharam et al ('899) further discloses the plurality of communication devices are capable of receiving text messages (col. 1, line 58 – col. 2, line 9; col. 2, lines 33-57; col. 7, lines 42-55).

Regarding claim 3, the method of Claim 2, wherein Agraharam et al ('899) further discloses the plurality of communication devices can be any one of a paging device, a mobile telephone, an electronic mail device, a facsimile machine, a modem, or a computer (col. 1, line 58 – col. 2, line 9; col. 2, lines 33-57; col. 7, lines 42-55).

Regarding claim 4, the method of Claim 1, wherein Agraharam ('231) further discloses further comprising the step of receiving additional information from the calling party (col. 2, line 61 – col. 3, line 3; col. 3, lines 51-62).

Regarding claim 5, the method of Claim 4, wherein Agraharam ('231) further discloses the additional information comprises routing information of the second destination associated with the called party (col. 2, line 61 – col. 3, line 29).

Regarding claim 6, the method of Claim 4, wherein Agraharam ('231) further discloses the additional information comprises an identification of the calling party (col. 3, lines 51-62).

Regarding claim 7, the method of Claim 1, wherein Agraharam ('231) further discloses the requesting step is performed in response to a Busy/No Answer trigger (col. 2, lines 32-37).

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Regarding claim 8, the method of Claim 1, wherein Agraharam ('231) further discloses further comprising the step of receiving routing information of the second destination from the called party (col. 2, line 61 – col. 3, line 29).

Regarding claim 9, the method of Claim 1, wherein Agraharam ('231) in view of Agraharam et al ('899) do not disclose the step of disconnecting the calling party after receiving the voice message provided by the calling party.

However, It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the method of Agraharam ('231) in view of Agraharam et al ('899) to include the step of disconnecting the calling party after receiving the voice message provided by the calling party. One of ordinary skill in the art would have been lead to make such a modification to end the communication of the calling party since the calling party has already provided a voice message to be routed to the called party and no other information is required from the calling party (Agraharam ('231): col. 2, lines 32-42; col. 3, line 45 – col. 4, line 17).

Regarding claim 12, Agraharam ('231) further discloses a system for routing a text message to a second destination (Fig. 1, 116) associated with a called party where a first destination is unavailable (see Abstract) comprising:  
a first switch (Fig. 1, 105) for receiving a call to a first destination (Fig. 1, 104) associated with a called party initiated by a calling party (Fig. 1, 101), wherein the first destination is unavailable (col. 2, lines 22-34);

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a network element (Fig. 1, 106), coupled to the first switch (via the IXC network), for requesting a voice message from the calling party based on the unavailability of the first destination and receiving the voice message provided by the calling party (col. 2, lines 32-42);

a voice recognition means (Fig. 1, 107), coupled to the network element, for converting the voice message to a text message based on determining an appropriate text format required by the second destination (col. 1, lines 28-31; col. 1, lines 44-48); and

a second switch (Fig. 1, 115), coupled to the network element (via the Internet), wherein the network element forwards the text message to a second destination associated with the called party via the second switch, wherein the second destination can be a communication device (col. 3, lines 15-44).

Agraharam ('231) clearly discloses routing a text message to a second destination. However, Agraharam ('231) does not disclose the second destination can be any one of a plurality of communications devices.

Agraharam et al ('899) further discloses a system for routing a text message to a second destination (Fig. 1, 130) associated with a called party (see Abstract; col. 1, line 53 – col. 2, line 9) comprising:

a first switch (Fig. 1, 108) for receiving a call to a called party initiated by a calling party (Fig. 1, 100), wherein the called party is unavailable;

a network element (Fig. 1, 120), coupled to the first switch, for requesting a voice message from the calling party based on the unavailability of the called party and receiving the voice message provided by the calling party;



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a voice recognition means (Fig. 1, 124), coupled to the network element, for converting the voice message to a text message based on determining an appropriate text format required by the second destination; and

a second switch (Fig. 1, 109), coupled to the network element, wherein the network element forwards the text message to a second destination associated with the called party via the second switch (col. 2, lines 43-45), wherein the second destination can be any one of a plurality of communications devices (e.g. personal computer or facsimile machine) (col. 2, line 19-57; col. 5, line 57 – col. 6, line 34).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the system of Agraharam ('231) to include the second destination can be any one of a plurality of communications devices as taught by Agraharam et al ('899). One of ordinary skill in the art would have been lead to make such a modification to permit a calling party to transmit a message to a device that the called party routinely when the called party is unavailable to take a call.

Regarding claim 13, the system of Claim 12, wherein Agraharam ('231) further discloses the network element (Fig. 1, 106) inherently comprises a service node (col. 2, lines 22-37).

Regarding claim 14, the system of Claim 12, wherein Agraharam ('231) further discloses the second destination communication device is capable of receiving text messages (col. 2, line 43 – col. 3, line 44).

Regarding claim 15, the system of Claim 14, wherein Agraharam et al ('899) further discloses the communication device can be any one of a paging device, a mobile telephone, an

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electronic mail device, a facsimile machine, a modem, or a computer (col. 1, line 58 – col. 2, line 9; col. 2, lines 33-57; col. 7, lines 42-55).

Regarding claim 16, the system of Claim 12, wherein Agraharam ('231) further discloses the network element further performs the function of receiving additional information from the calling party (col. 2, line 61 – col. 3, line 3; col. 3, lines 51-62).

Regarding claim 17, the system of Claim 16, wherein Agraharam ('231) further discloses the additional information comprises an identification of the calling party (col. 3, lines 51-62).

Regarding claim 18, the system of Claim 16, wherein Agraharam ('231) further discloses the additional information comprises routing information of the second destination associated with the called party (col. 2, line 61 – col. 3, line 29).

Regarding claim 19, the system of Claim 12, wherein Agraharam ('231) further discloses further comprising a memory (Fig. 1: 110, 111) coupled to the network element (via Internet), wherein the network element receives routing information of the second destination from the called party and stores the routing information in the memory (col. 2, line 61 – col. 3, line 29).

Regarding claim 20, the method of Claim 12, wherein Agraharam ('231) in view of Agraharam et al ('899) do not disclose the network element disconnects the calling party after receiving the voice message provided by the calling party.

However, It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the method of Agraharam ('231) in view of Agraharam et al ('899) to include the network element disconnects the calling party after receiving the voice message provided by the calling party. One of ordinary skill in the art would have been lead to make such a modification to end the communication of the calling party via the network element

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(Fig. 1, 106) since the calling party has already provided a voice message to be routed to the called party and no other information is required from the calling party (Agraharam ('231): col. 2, lines 32-42; col. 3, line 45 – col. 4, line 17).

8. Claims 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Agraharam ('231) in view Agraharam et al ('899) and in further view of Agraharam et al ('899).

Regarding claim 11, the method of Claim 1, wherein Agraharam ('231) in view of Agraharam et al ('899) do not disclose further comprising the step of receiving a personal identification number, wherein the personal identification number determines which one of the plurality of alternate destinations comprises the second destination.

However, Agraharam et al ('899) discloses in another embodiment:

receiving a call initiated by a calling party;

based on requesting to send an electronic message (e.g. text) to a called party, requesting a voice message from the calling party;

receiving the voice message provided by the calling party;

converting the voice message into a text message; and

forwarding the text message to a second destination associated with the called party (e.g. personal computer or facsimile machine) (col. 2, lines 43-45), wherein the second destination can be any one of a plurality of communications devices (col. 2, line 33 – col. 5, line 15; col. 7, lines 42-55). Wherein Agraharam et al ('899) further discloses the step of receiving a personal identification number, wherein the personal identification number determines which one of the plurality of alternate destinations comprises the second destination (col. 3, lines 9-61; col. 7, lines 30-41).

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It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the method of Agraharam ('231) in view of Agraharam et al ('899) to include receiving a personal identification number, wherein the personal identification number determines which one of the plurality of alternate destinations comprises the second destination as taught by Agraharam et al ('899). One of ordinary skill in the art would have been lead to make such a modification to choose a second destination in order to ensure that any messages are promptly received.

***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892 Form.

10. Any response to this action should be mailed to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Or faxed to:**

(571) 273-8300 (for formal communications intended for entry)

**Or call:**

(571) 272-2600 (for customer service assistance)

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Hashem whose telephone number is (571) 272-7542. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. Any inquiry of a general nature or

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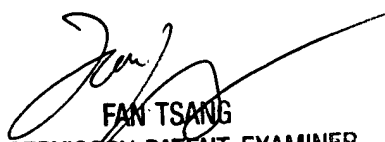
relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LH

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July 24, 2006

  
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SUPERVISORY PATENT EXAMINER  
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